

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ABDELKARIM BOUSSATHA,

Petitioner,

Hon. Hugh B. Scott

06CV818

v.

(CONSENT)

Order

ALBERTO GONZALES, et al.,

Respondents.

Before this Court is petitioner's motion for appointment of appellate counsel (Docket No. 15). Petitioner filed a Notice of Appeal (Docket No. 13) from the Order and Judgment dismissing his habeas corpus Petition (Docket Nos. 10, 11) and the United States Court of Appeals for the Second Circuit issued its mandate dismissing the appeal (Docket No. 17, Sept. 24, 2007).

Initially, this Court did not address petitioner's motion for appointment of appellate counsel (Docket No. 16, Order of June 18, 2007, at 1) and left that for the Circuit Court to determine. Given the dismissal of that appeal, petitioner's application for appellate counsel is now deemed **moot**.

So Ordered.

/s/ Hugh B. Scott
Hon. Hugh B. Scott
United States Magistrate Judge

Buffalo, New York
February 19, 2008